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2
3 UNITED STATES DISTRICT COURT
4 DISTRICT OF NEVADA

5 * * *

6 UNITED STATES OF AMERICA,)

2:10-CR-00178-PMP-VCF

7 Plaintiff,)

ORDER to Nevada
Department of Corrections
("NDOC")

8 vs.)

9 BILLY CEPERO,)

10 Defendant.)
11
12

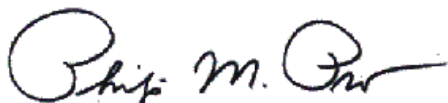
13 On June 27, 2013, Petitioner Billy Cepero, filed a Motion to Extend Prison
14 Copywork Limit (Doc. #118). A copy of that motion is attached hereto.

15 On July 3, 2013, the Court entered a Minute Order Granting Petitioner Cepero's
16 Motion (Doc. # 122). Copy attached.

17 On August 1, 2013, Petitioner Cepero filed a Motion to Request Court's Order Of
18 Copywork Be Supplied to the Nevada Department of Corrections. (Doc. #124), see
19 attached copy.

20 **IT IS THEREFORE ORDERED** that a copy of the attached Motions and Order
21 be provided to Petitioner Cepero and to the Nevada Department of Corrections, P.O. Box
22 7000, Carson City, Nevada, 89702.

23 DATED: August 19, 2013.

24
25 
26 PHILIP M. PRO
United States District Judge

Billy Capero # 94730

~~Levelock Correctional Center~~

~~1200 Prison Road~~

~~Levelock, Nevada~~

PO Box 7000 Carson City NV 89702

Petitioner In Pro Se

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA

* * * * *

Billy Capero
Petitioner,

Case No. 2:10-cr-178 PMP-VCf

-vs-

USA et al.,

Respondents.

MOTION TO EXTEND PRISON
COPYWORK LIMIT

COMES NOW, Petitioner, Billy Capero, in pro se, and submits his Motion to Extend Prison Copywork Limit, moving the Court to order the Nevada Department of Corrections ("NDOC") to extend his copywork limit for the narrow purposes of the instant ~~corpus~~ ^{Appeal} proceedings.

This motion is based upon NDOC Administrative Regulation ("AR") 722; all papers and documents on file herein; and the following points and authorities.

POINTS AND AUTHORITIES

Petitioner is an indigent prisoner, as demonstrated by the Motion for Leave to Proceed In Forma Pauperis on record herein. NDOC AR 722.12(4) allows Petitioner to accrue a \$100.00 debt against his account towards legal copywork which, once reached, prohibits him from accumulating any further indebtedness for

1 such copywork. "Exceptions to this rule would be a court order
2 received directly from the courts..." Id. The AR therefore
3 gives this Court authority to issue an order allowing Petitioner
4 to exceed his copywork limit.

5 Petitioner has reached or exceeded the \$100.00 limit of AR
6 722.12. As such, NDOC has prohibited him at this time from
7 receiving any further legal copywork in the instant proceeding
8 unless the Court issues an order allowing him to do so.

9 Petitioner's grounds have merit. As such, he is entitled
10 to relief in the instant ~~inmate's~~ proceedings; however, he
11 requires copywork services in order to litigate his instant
12 petition. In addition to his originals of all pleadings,
13 motions and other documents in this case, he will need copies to
14 serve upon Respondents per FRCP 5, LR 5-1 and LR 7-2.
15 Additionally, he will require a copy of same for his own
16 records. See e.g. Gluth v. Kangas 951 F.2d 1504, 1510 (9th Cir.
17 1991) (a reasonable amount of copywork for prisoners is found in
18 that required to file, serve opponents and maintain copy for
19 inmate's records).

20 Petitioner does not herein seek a blanket order for
21 unlimited copywork, but seeks only a reasonable allowance of
22 copywork for documents relevant to the instant proceeding,
23 including, but not limited to, supplemented/amended pleadings,
24 motions, responses, replies, notices, etc. Id.

25 As Petitioner's liberty is at the heart of these
26 proceedings, he should be provided an extension of his copywork
27 limitation in order to render him reasonably capable of fairly
28 litigating this ~~inmate's~~ action.

CONCLUSION

For the reasons set forth above, the Court should direct the NDOC to extend Petitioner's copywork limitations towards the allowance of receiving copies of documents pertinent to the instant ~~habeas~~ proceedings.

Dated this 22 day of June, 2013.

NNCC
P.O. Box 7000
Casper City, NM 87702

~~Lower Level Correctional Center~~
~~2000 Prison Road~~
~~Lawrence, Nevada 89419~~

Petitioner In Pro Se

CERTIFICATE OF SERVICE

I do certify that I mailed a true and correct copy of the foregoing to the below address on this 22 day of June, 2013, by placing same in the hands of prison law library staff for posting in the U.S. Mail:

~~Attorney for Respondents~~



91730

Petitioner In Pro Se

MIME-Version:1.0

From:cmecf@nvd.uscourts.gov

To:cmecfhelpdesk@nvd.uscourts.gov

Bcc:

--Case Participants: Rebecca A Levy (blanca_lenzi@fd.org), Thomas C. Michaelides (cj@tcmlawgroup.com, craig@tcmlawgroup.com, tcm@tcmlawgroup.com, tcmlawyer@gmail.com), Daniel D. Hollingsworth (carol.h.farago@usdoj.gov, daniel.hollingsworth@usdoj.gov, doriayn.olivarra@usdoj.gov, eunice.jones@usdoj.gov, heidi.skillin@usdoj.gov, michelle.lewis3@usdoj.gov, paula.thomas@usdoj.gov, ray.southwick@usdoj.gov), Phillip N Smith, Jr (norma.vizcarra2@usdoj.gov, phillip.smith@usdoj.gov), Michael W Sanft (destiny@sanftlaw.com), Drew Smith (drew.smith@usdoj.gov), Michael A Humphreys (carol.h.farago@usdoj.gov, michael.humphreys@usdoj.gov, michelle.lewis3@usdoj.gov, ray.southwick@usdoj.gov, sue.knight@usdoj.gov), Magistrate Judge Cam Ferenbach (vcf_chambers@nvd.uscourts.gov), Judge Philip M. Pro (pmp_chambers@nvd.uscourts.gov)
--Non Case Participants: US Attorney - Criminal Division, General mailbox (usanv.ecfcrim@usdoj.gov, usnv.ecfcrim@usdoj.gov), US Marshal (nevada.vcalendar@usdoj.gov, nevada.vcalendar@usdoj.gov)
--No Notice Sent:

Message-Id:<6257576@nvd.uscourts.gov>

Subject:Activity in Case 2:10-cr-00178-PMP-VCF USA v. Cepero Order on Motion

Content-Type: text/html

This is an automatic e-mail message generated by the CM/ECF system. Please DO NOT RESPOND to this e-mail because the mail box is unattended.

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing. However, if the referenced document is a transcript, the free copy and 30 page limit do not apply.**

United States District Court

District of Nevada

Notice of Electronic Filing

The following transaction was entered on 7/3/2013 at 7:42 AM PDT and filed on 7/3/2013

Case Name: USA v. Cepero

Case Number: 2:10-cr-00178-PMP-VCF

Filer:

Document Number: 122(No document attached)

Docket Text:

ORDER granting [118] Motion to Extend Prison Copywork Limit as to Billy Cepero; granting [121] Motion for a Sixty Day Extension of Time to File Appeal as to Billy Cepero. Signed by Judge Philip M. Pro on 7/3/2013. (Copies have been distributed pursuant to the NEF and sent to the defendant manually - DMS)

2:10-cr-00178-PMP-VCF-1 Notice has been electronically mailed to:

Daniel D. Hollingsworth Daniel.Hollingsworth@usdoj.gov, Carol.H.Farago@usdoj.gov,
doriayn.olivarra@usdoj.gov, eunice.jones@usdoj.gov, heidi.skillin@usdoj.gov,
michelle.lewis3@usdoj.gov, paula.thomas@usdoj.gov, ray.southwick@usdoj.gov

Thomas C. Michaelides tcm@tcmlawgroup.com, cj@tcmlawgroup.com, craig@tcmlawgroup.com,
tcmlawyer@gmail.com

Drew Smith drew.smith@usdoj.gov

Michael A Humphreys Michael.Humphreys@usdoj.gov, Carol.H.Farago@usdoj.gov,
michelle.lewis3@usdoj.gov, ray.southwick@usdoj.gov, sue.knight@usdoj.gov

Phillip N Smith, Jr phillip.smith@usdoj.gov, norma.vizcarra2@usdoj.gov

2:10-cr-00178-PMP-VCF-1 Notice has been delivered by other means to:

1 Billy Cepero ID NO. 94730
2 Box 7000
3 Calson City NV 89702

2013 AUG -1 P 10:32

4 U.S. District Court
5 District of Nevada

7 Billy Cepero Petitioner

9 v.

11 U.S.A Respondent

CASE NO.: 2:10-cr-178-PMP-VCf

DEPT. NO.: _____

DOCKET: _____

13 Motion to Request Courts
14 Order of Copywork Limit
15 to NDOC

17 COMES NOW, Case, Billy Cepero, herein above respectfully
18 moves this Honorable Court for an request of

19 Copy of the Courts order to
20 present to the NDOC

21 This Motion is made and based upon the accompanying Memorandum of Points and
22 Authorities,

23 DATED: this 29 day of July, 2013

24 BY: _____

25 Billy Cepero #94730
26 Defendant/In Proper Personam



2 ~~BACK~~ ~~append~~ -
3 The Court recently GRANTED
4 my motion to extend person
5 copy work limit with the
6 Nevada Department of Collections
7 so I could be able to work
8 on the Appeal on this case.

9 - Fact -

10 Even though this Court has
11 made the ruling in favor of
12 this Petitioner, NDOC is
13 refusing to allow me to make
14 any copies UNTIL I show
15 them a copy of the ACTUAL
16 COURT ORDER to extend me
17 copy work limit and therefore
18 I have been UNABLE to proceed
19 on my Appeal so to this issue

20
21 - Conclusion -

22 I request a copy of the Actual
23 Court ORDER to NDOC to
24 extend me copy work limit to
25 be able to show such order
26 and get copies done to effect
27 my Appeal.
28

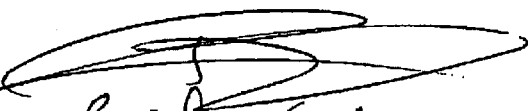
CERTIFICATE OF SERVICE BY MAILING

I, Billy Cepso, hereby certify, pursuant to NRCP 5(b), that on this 29
day of July, 2013, I mailed a true and correct copy of the foregoing, "Motion
for Copy of Court Order to NDOC,"
by depositing it in the ANCC Legal Library, First-Class Postage, fully prepaid,
addressed as follows:

US District Court
District of Nevada
533 Las Vegas Blvd
Las Vegas NV 89101

CC:FILE

DATED: this 29 day of July, 2013.


Billy Cepso #94782
Relator In Propra Personam

IN FORMA PAUPERIS

AFFIRMATION
Pursuant to NRS 239B.030

The undersigned does hereby affirm that the preceding _____

Copy of Order to WACC
(Title of Document)

filed in District Court Case number 2:10 CR 178 - PMP - VCF

☒ Does not contain the social security number of any person.

-OR-

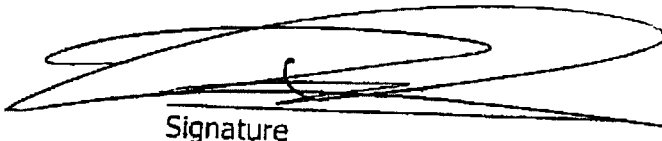
☐ Contains the social security number of a person as required by:

A. A specific state or federal law, to wit:

(State specific law)

-or-

B. For the administration of a public program or for an application for a federal or state grant.


Signature

7-29-13
Date

Billy Cepeda
Print Name

Relator
Title